



: C.-S.-S.-C.-P.-S.-G.-P. FLAG OF THIS DOCUMENT-POSTAL-VESSEL-COURT-VENUE.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

In the matter of:

Case No.: 6:19-cv-01071-AA

James-Brent: Alvarez,
an individual,

PLAINTIFF'S MOTION TO EXTEND
DISCOVERY AND PRETRIAL DEADLINES

****AMENDED****

v.

Luke Sitts, an individual;
Geri Brooks, an individual;
Scott Geeting, an individual;
Steven Barrett, and individual;
Don Morris, an individual;
Matthew Carmichael, an individual;
Michael H. Schill, an individual,

Defendants.

****Plaintiff had the due dates for discovery and pretrial deadlines incorrect and fixed them, and also forgot to add a case in his cliff note. These are the only two Amendments to the Plaintiff's Motion.**

LR 7-1 CERTIFICATION

Plaintiff certifies that he conferenced by phone and email with council for Defendant's on the matter's herein and Defendant's take *no position* on the matter. Note: I had only asked for one month in my conference by email, but realized two months makes much more sense.

MOTION

In accordance with Fed. R. of Civ. P. 6(b) LR 16-3, and without waiver of any rights, plaintiff, respectfully, moves the Court for an order extending the discovery and pretrial deadlines. Specifically, plaintiff requests the discovery and dispositive motion deadlines be extended by two months. Current deadline for discovery is November 12, 2020 and proposed deadline is January 12, 2021. Current deadline for dispositive motions is December 11, 2020 and proposed deadline is February 11, 2021.

MEMORANDUM

This motion is made in good faith and not for the purpose of delay. Plaintiff's request for this extension of time is for the following reasons:

1. Plaintiff's Complaint is in flux over the deprivation of his constitutional rights by the Court's Opinion and Order. At a bare minimum plaintiff needs to write a third amended complaint on excessive force alone and adjust his damages accordingly.

2. Plaintiff has contract work that still needs to be finished up the month of November, 2020, and further, has multiple hearings and deadlines over the next few weeks on other cases. This has been Plaintiff's schedule the past two and a half months, and thereby, he has been slow to finish his contract work (and has yet to be paid) because of the amount of deadlines and hearings he has to attend the past month and a half in litigation.¹

3. The parties have engaged in some discovery. However, Plaintiff has yet to serve Defendant's with his interrogatories due to his busy schedule and because he is trying to get his complaint squared away first. Specifically, with his claims for deprivation of constitutional rights.

4. This is the Third request for an extension of discovery and dispositive motion deadlines, and plaintiff does not anticipate needing further extensions to the requested dates.

¹ Please take Judicial Note of Plaintiff's current cases in litigation: 6:19-cv-01071-AA, 6:20-cv-01656-AA, 19DR16524, 20PO08025, 20CV29649, 20CN03727, (DHS) 925497 and time is needed the case.

CONCLUSION

For the reasons stated above, Plaintiff respectfully requests the Court enter a scheduling order extending the discovery and dispositive motion deadlines as requested above.

DATED this 12th day of November, 2020.

THE PLAINTIFF.

s/: James-Brent: Alvarez. UCC 1-308
: James-Brent: Alvarez.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Plaintiff's Motion to Extend Discovery and PreTrial Deadlines on:

Namoi Levelle Haslitt, OSB No. 075857
naomi.haslitt@millernash.com
Iván Resendiz Gutierrez, OSB No. 154617
ivan.resendiz@millernash.com
MILLER NASH GRAHAM & DUNN LLP
3400 U.S. Bancorp Tower
111 S.W. Fifth Tower
Portland, Oregon 97204
Telephone: 503.224.5858
Fax: 503.224.0155

Attorneys for Defendants
Luke Sitts, et al.

by the following indicated method of service set forth below:

Email: as agreed on by all parties involved during the Covid-19 situation, until either party terminates the agreement.

DATED this 12th day of November, 2020.

s/James-Brent: Alvarez UCC 1-308
James-Brent: Alvarez
c/o 30924 Kenady Lane
Cottage Grove, Oregon [97424]